

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**IN RE: JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION**

LUANA DUQUETTE and BURT DUQUETTE,
Plaintiff,

v.

**JOHNSON & JOHNSON, and JOHNSON &
JOHNSON CONSUMER INC.,**

Defendants.

**MDL No. 2738 (FLW) (LHG)
JUDGE FRED A. L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN**

COMPLAINT AND JURY DEMAND

Civil Action No: 23-cv-8250

DIRECT FILED ACTION

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff named below files this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff incorporates by reference the allegations contained in *Plaintiffs' Master Long Form Complaint in In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff files this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s): Luana Duquette.

2. At the time of the filing of the specific case, Plaintiff is a citizen of East Bridgewater, Plymouth County, Massachusetts.

3. Consortium Claim(s): The following individual alleges damages for loss of consortium: Burt Duquette.

4. As a result of using talcum powder products, Plaintiff suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

☒ injury to herself

☐ injury to the person represented

☐ wrongful death

☐ survivorship action

☒ economic loss

☐ loss of services

☒ Loss of Consortium

other: _____

Identification of Defendants:

5. Plaintiff is suing the following Defendants (please check all that apply)¹:

☒ Johnson & Johnson

☒ Johnson & Johnson Consumer Inc.

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

Additional Defendants:

☒ Other(s) Defendant(s) (please specify): LTL Management, LLC., Johnson & Johnson Holdco (NA) Inc., Janssen Pharmaceuticals, Inc., and Kenvue, Inc.

JURISDICTION & VENUE

Jurisdiction:

6. Jurisdiction in this Short Form Complaint is based on:

- ☒ Diversity of Citizenship
- ☐ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure):
- _____

7. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: U.S. District Court, District of Massachusetts, Boston Division.

CASE SPECIFIC FACTS

8. Plaintiff currently resides in East Bridgewater, Plymouth County, Massachusetts.
9. At the time of the Plaintiff's diagnosis with a talcum powder product(s) injury, Plaintiff resided in East Bridgewater, Plymouth County, Massachusetts.
10. The Plaintiff was diagnosed with a talcum powder product(s) injury in Norwood, Massachusetts on June 25, 2019.
11. To the best of Plaintiff's knowledge, Plaintiff began using talcum powder product(s) on or about the following date: 1967 and continued the use of talcum powder products through about the following date: 2019.

12. The Plaintiff purchased talcum powder products in the following state(s):
Massachusetts.

13. Plaintiff used the following talcum powder products:

- √ Johnson & Johnson's Baby Powder
- √ Shower to Shower

CAUSES OF ACTION

14. Plaintiff hereby adopts and incorporates by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

15. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):

- ☐ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- √ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- ☐ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
- √ Count IV: Products Liability – Defective Manufacturer and Design (Against the Johnson & Johnson Defendants)
- √ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- √ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- √ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- ☐ Count VIII: Negligence (Against Imerys Talc)
- √ Count IX: Negligence (Against the Johnson & Johnson Defendants)
- ☐ Count X: Negligence (Against PCPC)
- √ Count XI: Negligence Misrepresentation (Against the Johnson & Johnson Defendants)

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JURY DEMAND

Plaintiff hereby demands a trial by jury as to all claims in this action.

Dated: August 23, 2023

Respectfully submitted:



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